

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
Northern Division

UNITED STATES OF AMERICA,

Plaintiff,

- against -

Civil No. ELH-12-2394

\$4,400.00 in U.S. Currency,

Defendant.

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**MOTION FOR DEFAULT JUDGMENT AND**  
**ORDER OF FORFEITURE**

The United States of America, through its undersigned counsel, Rod J. Rosenstein, United States Attorney, and Evan T. Shea, Assistant United States Attorney, moves pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure for the entry of a Default Judgment and Order of Forfeiture. In support of its motion, the United States submits the following:

1. On February 22, 2012, \$4,400.00 in U.S. Currency (hereinafter, the "Defendant Currency") was seized from a package sent through the U.S. mail to a P.O. Box in the name of "J. Marks." On August 10, 2012, the Plaintiff filed a Verified Complaint *In Rem* for Forfeiture, alleging that the Defendant Currency should be forfeited to the United States of America pursuant to 21 U.S.C. § 881(a)(6).

2. As explained in the Verified Complaint, the Defendant Currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes (1) money, negotiable instruments, securities and other things of value furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; (2) proceeds traceable to such

an exchange; and (3) money, negotiable instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

3. Pursuant to Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, copies of the Verified Complaint and other pertinent documents were sent by mail on August 23, 2012, to Andrew Stern, *pro se*. (Doc. 3-2)

4. Beginning on August 22, 2012, notice of the pendency of this case was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions for thirty (30) consecutive days. A Declaration of Publication has been filed with this court. (Doc. 3-3)

5. Pursuant to Supplemental Rule G(5)(a) & (b), any claimant to the Defendant Currency was required to file a claim no later than 35 days after the written notice was sent, or 60 days after the first publication of notice on the official Government website. Those time periods expired on September 27, 2012 and October 21, 2012, respectively, and no extensions to these time limits have been requested, consented to, or granted by this Court.

6. No person or entity has filed either a claim or an answer to the Complaint for Forfeiture, or has otherwise appeared or answered in this regard, and the time to do so has expired.

7. On January 29, 2013, the Clerk of the Court entered a Clerk's Entry of Default pursuant to Rule 55(a). (Doc. 4)

8. Upon information and belief, no person or entity thought to have an interest in the Defendant Currency is an infant, incompetent, or presently engaged in military service.

9. Accordingly, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, the United States is entitled to the entry of a default judgment. Moreover, to ensure that the United

States has clear title to the Defendant Currency, and has the authority to dispose of the Defendant Currency in accordance with law, the Government now seeks the entry of a formal Order of Forfeiture.

WHEREFORE, the United States requests the entry of the Default Judgment and Order of Forfeiture submitted herewith, transferring title of the Defendant Currency to the United States, and directing the Attorney General to dispose of the Defendant Currency according to law.

Date: February 13, 2013

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

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/s/  
Evan T. Shea  
Assistant United States Attorney  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on February 13, 2013, a copy of the foregoing Motion for Default Judgment and Order of Forfeiture was mailed first-class, postage prepaid, to Andrew Stern, *pro se*, 1806 Thames Street, Apt. 18, Baltimore, Maryland 21231 .

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/s/  
Evan Shea  
Assistant United States Attorney